

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

11	YOHANNES GEBREZGIE,)	Case No.: 1:22-cv-0426 JLT GSA (PC)
12	Plaintiff,)	
13	v.)	ORDER ADOPTING THE FINDINGS AND
14	PHILLIPS, et al.,)	RECOMMENDATIONS IN FULL AND
15	Defendants.)	DISMISSING THE ACTION WITHOUT
16)	PREJUDICE
)	(Doc. 4)
)	ORDER FOR CLERK TO CLOSE THE CASE

Yohannes Gebrezgie is a former state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff failed to submit an application proceed *in forma pauperis* or pay the \$402.00 filing fee when he initiated the action. On April 18, 2022, the Court ordered Plaintiff to file an application to proceed IFP or pay the filing fee. (Doc. 3.) However, Plaintiff failed to do so. Therefore, the assigned magistrate judge found Plaintiff failed to comply with the Court's order and recommended the action be dismissed without prejudice on June 14, 2022. (Doc. 4)

Plaintiff was granted thirty days to file any objections to the Findings and Recommendations. (Doc. 4 at 3.) In addition, Plaintiff was informed that "failure to file objections within the specified time may waive the right to appeal the District Court's order." (*Id.*, citing *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).) The deadline has passed, and Plaintiff has not filed objections or otherwise responded to the Court. Further, to date, Plaintiff has not filed an application to proceed IFP or paid the filing fee.

Pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court conducted a *de novo* review of this case. Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

1. The Findings and Recommendations dated June 14, 2022, are **ADOPTED** in full.
2. This action is **DISMISSED** without prejudice.
3. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: **August 5, 2022**


UNITED STATES DISTRICT JUDGE